

scientific discovery and new technologies will take America into the new century well-equipped for the challenges and opportunities that lie ahead.

The future, it is often said, has no constituency. But the truth is, we must all be the constituency of the future. We have a duty—to ourselves, to our children, to future generations—to make these farsighted investments in science and technology to help us master this moment of change and to build a better America for the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 9, 1997.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEGISLATIVE POWERS AND THE EXECUTIVE BRANCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, today I want to discuss something so powerful and hurtful that it cripples the economy, puts a stranglehold on businesses and farms, destroys livelihoods and families, and yet seems unstoppable. This monster that I am discussing is the power that was once granted to Congress in Article 1, Section 1 of the United States Constitution, which reads: "All legislative powers herein granted shall be vested in a Congress." Today, however, the executive branch of this very Government has taken control of this reserved privilege and holds it captive at the expense of American citizens.

The regulatory authority now used by these Government agencies to legislate, to create rule after rule, regulation after regulation, has begun to put a stranglehold on the western part of this country to the extent that they may never again breathe.

To illustrate my point, I would like to discuss the police powers Secretary of the Interior Babbitt and the Bureau of Land Management allegedly assume to possess. On November 7, 1996, the BLM posted in the Federal Register new law enforcement regulations. Although the BLM claims that these regulations are merely a recodification of the current regulations and do not result in the creation of "new authority," this is simply not the case. The proposed law enforcement regulations are an attempt to vastly, and in most cases unlawfully, expand the BLM's law enforcement authority by increasing the number and types of actions which may result in the violation of the law enforcement regulations and substantially increase the penalties for violation of such regulations.

The Constitution of the United States guarantees proper notice de-

scribing those actions which law enforcement agencies may subject its citizens to criminal punishment. However, in this case, BLM has criminalized thousands of minor violations of Federal, State and local rules that previously were not criminal, without explaining the specific acts which are now criminal. The proposed regulations' vague references to "any law or ordinance" are not constitutionally sufficient, thus making the proposed regulations unconstitutional.

For example, proposed regulation section 9263.1 makes any citizen a criminal who is on Federal lands and who does not comply with all "State and local laws, regulations and ordinances relating to the use, standards, registrations, operation and inspection of motorized vehicles and trailers." The average citizen, and probably many employees of the BLM, are not familiar with the thousands of regulations that have just been elevated to criminal status. Without a specific list of the acts or omissions which would be criminal, the BLM's proposed regulations are again illegal.

The egregiousness of these actions does not stop there. The United States Constitution states that a citizen may not be placed in jeopardy twice for the same offense. These proposed regulations state that an individual who is in charge or charged with a violation by the Environmental Protection Agency can also be charged by the BLM with a violation of the Federal Land Policy Management Act. This is clearly an attempt to submit citizens to double jeopardy and thus circumvent the Constitution.

Furthermore, the eighth amendment of the Constitution states "Excessive bills shall not be required nor excessive fines imposed nor cruel and unusual punishment inflicted." The possibility that one may be fined \$100,000 for driving 1 mile an hour over a 30-mile-an-hour speed limit is certainly an excessive fine. The possibility of spending 12 months in jail for the same offense is also cruel and unusual punishment and again unconstitutional.

Yet, as we all know, Mr. Speaker, the Secretary of the Interior on March 11, 1997, released a press statement titled, "Secretary Babbitt Directs BLM to Halt Action, Go Back to the Drawing Board with Law Enforcement Regulations." However, the press release goes on to further quote Mr. Babbitt directly and states

This action does not diminish the legal authority of the BLM law enforcement officers on public land. But it is very clear that we have not done a good job of clarifying regulations and communicating BLM's legal authority under existing Federal statutes to protect health, safety and environmental resources on America's public lands.

Let me explain further, Mr. Speaker, and tell my colleagues exactly what powers the BLM is commandeering:

On July 24, 1994, a New Mexico family was on a family outing at the Santa Cruz Lake area in the northern part of

that State. After fishing and picnicking for 2 hours, the family loaded up their car and were leaving the area when they were stopped by a BLM Ranger. According to a complaint filed by the family's attorney, the BLM Ranger approached the vehicle carrying a shotgun and ordered everyone out of the car using threats of bodily harm laced with profanity. The BLM Ranger fired his shotgun at the car to show that he meant business.

The complaint continues:

Three men got out of the car and asked why they were being stopped. They asked if it was for fishing without licenses, but they were never asked for their fishing licenses. When one man and the women and children tried to leave, the BLM Ranger then maced the driver and handcuffed him. The driver's mother tried to help her son but was knocked to the ground by the Ranger who then stomped on her leg before handcuffing her.

Mr. Speaker, no longer are Americans free, but they are chained to the dictatorship. I oppose this unusual and unlawful assumption of regulatory powers.

After handcuffing the mother the BLM Ranger went back to the driver and sprayed him again in the face with mace. All this time the children were crying and the Ranger yelled at them to shut up. According to the complaint the BLM Ranger said he was going to blow them—expletive deleted—heads off.

It gets worse. When one of the men picked up one of the children to comfort him, the BLM Ranger put his shotgun to the child's head and ordered the man to put the child down. Two other BLM Rangers allegedly arrived and began waving their weapons around as well. The BLM Rangers refused to say why they had stopped the family in the first place. The adults were incarcerated and the BLM Ranger did not notify the Attorney General as they are required to do. Although records at the Santa Fe Jail indicate six adults were arrested on charges of assault and hindering a Federal employee, a U.S. magistrate released all those jailed because the BLM did not produce a written complaint and no formal charges were made. To this day the family still has no idea why they were arrested.

Remember these are Federal public land management employees, who are committing these atrocious acts. It is not the Federal Bureau of Investigation, nor the Bureau of Alcohol Tobacco and Firearms, or any other law enforcement agency.

It becomes very evident that these power-hungry bureaucracies have designated themselves unconstitutional police powers, without having proper authority or training. The agents are turning into bullies with little respect for public safety or property.

Mr. Speaker, no longer are Americans free, but they are chained to the dictatorship of bureaucratic monsters. It is time for Congress to stand up for its constitutional rights and the protection of the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.